

1 Effie F. Anastassiou, State Bar No. 96279
 L. Paul Hart, State Bar No. 237766
 2 Denis Klavdianos, State Bar No. 225925
 Anastassiou & Associates
 3 242 Capitol Street
 Post Office Box 2210
 4 Salinas, California 93902
 Telephone: (831) 754-2501
 5 Facsimile: (831) 754-0621

E-filed 1/18/07

6 Attorneys for Plaintiff-Appellant
 DIAMOND A SALES COMPANY

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 9 **U. S. DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**
 11 **SAN JOSE DIVISION**

12 DIAMOND A SALES COMPANY, a
 California corporation,

13 Plaintiff-Appellant,

14 v.

15 AMERIFRESH INC., a Washington
 16 corporation,

17 Defendant-Respondent.

) **CASE NO. CV06-6367**

) **STIPULATION AND ORDER FOR**
) **DISMISSAL AND TO SIGN**
) **RECONVEYANCE FOR DEED OF**
) **TRUST WITH ASSIGNMENT OF RENTS**

18 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff DIAMOND A SALES
 19 COMPANY and Defendant AMERIFRESH, INC., and their respective counsel, that the above captioned
 20 matter be dismissed. In accordance therewith, the parties hereby request that this Court dismiss this action
 21 with prejudice as to Defendant AMERIFRESH, INC.

22 Further, the parties jointly stipulate and request that this Court Order the Clerk of the Court execute
 23 the Reconveyance attached hereto as Exhibit A for recording in Monterey County and take any other action
 24 necessary to effectuate the release of the Deed of Trust With Assignment of Rents on file in the instant
 25 matter.
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ANASTASSIOU & ASSOC.

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1 Dated: January 12, 2007

ANASTASSIOU & ASSOCIATES

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4 Philip F. Anastassiou
5 Attorneys for Plaintiff
6 DIAMOND A SALES COMPANY

7 Dated: January 12, 2007

RYNN & JANOWSKY, LLP


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9 Patricia J. Rynn
10 Attorney for Defendant
11 AMERIFRESH, INC.

12 ORDER

13 IT IS ORDERED that this matter is hereby dismissed with prejudice.

14 IT IS FURTHER ORDERED that the Clerk of the Court is hereby instructed to sign the
15 Reconveyance attached hereto as Exhibit A releasing the Deed of Trust With Assignment of Rents on file
16 in the instant matter.

17 1/18/07

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19 JUDGE OF THE U. S. DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 JEREMY FOGEL

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Exhibit A

SUBSTITUTION OF TRUSTEE

The undersigned hereby substitutes Richard W. Wieking, Clerk of the U. S. District Court, Northern District of California, as Trustee in place of First American Title Insurance Company in the Deed of Trust executed by Phillip H. Chavez and Diane E. Chavez as Trustors, dated October 11, 2006, and recorded on October 11, 2006 as Document No. 2006090262, Official Records of Monterey County, California.

Dated: January __, 2007

Printed Name:

Title:

STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

On _____, 2007, before me the undersigned, a Notary Public in and for said County and State, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

RECONVEYANCE

Richard W. Wieking, Clerk of the U. S. District Court, Northern District of California, as substituted Trustee under the Deed of Trust, recorded on October 11, 2006, Document No. 2006090262, Official Records, Monterey County, California, having been requested in writing by the holder of the obligation(s) secured by said Deed of Trust, to reconvey the estate granted to the Trustee under said Deed of Trust, DOES HEREBY RECONVEY to the person(s) legally entitled thereto, PHILLIP H. CHAVEZ and DIANE E. CHAVEZ, without warranty, all the estate, title and interest acquired by the Trustee under said Deed of Trust.

Dated: January __, 2007

Richard W. Wieking
Clerk of the U. S. District Court
Northern District of California

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, 2007, before me the undersigned, a Notary Public in and for said County and State, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public